

In re Patent Application of



Atty. ARC-4662-35

Dkt.

C# M#

CARLE et al

TC/A.U.

1612

Serial No. 10/543,058

Examiner: Webb

Filed: July 21, 2005

Date: March 10, 2009

Title: NOVEL COMPOSITIONS COMPRISING CAROTENOIDS

**Mail Stop AF**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

**RESPONSE/AMENDMENT/LETTER**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

 **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment	0	minus highest number	
previously paid for	20	(at least 20) =	0 x \$52.00
			\$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment	0	minus highest number	
previously paid for	3	(at least 3) =	0 x \$220.00
			\$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add  
\$390.00 (1203)/\$195.00 (2203) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this  
paper and attachment(s)

One Month Extension	\$130.00 (1251)/\$65.00 (2251)
Two Month Extensions	\$490.00 (1252)/\$245.00 (2252)
Three Month Extensions	\$1110.00 (1253)/\$555.00 (2253)
Four Month Extensions	\$1730.00 (1254)/\$865.00 (2254)
Five Month Extensions	\$2350.00 (1255)/\$1175.00 (2255) \$

Terminal disclaimer enclosed, add  
\$140.00 (1814)/ \$70.00 (2814) \$

Applicant claims "small entity" status.  Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee	\$180.00 (1806)	\$	0.00
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Assignment Recording Fee	\$40.00 (8021)	\$	0.00
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Other:		\$	0.00
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<b>TOTAL FEE</b>	<b>\$</b>	<b>0.00</b>
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 **CREDIT CARD PAYMENT FORM ATTACHED.**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

901 North Glebe Road, 11th Floor  
Arlington, Virginia 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
ARC:eaw

NIXON &amp; VANDERHYE P.C.

By Atty: Arthur R. Crawford, Reg. No. 25,327

Signature: \_\_\_\_\_

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RESPONSE UNDER RULE 116  
EXPEDITED HANDLING PROCEDURES

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Other: \$ 0.00

**TOTAL FEE \$ 0.00**

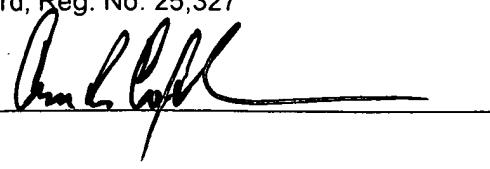
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By Atty: Arthur R. Crawford, Reg. No. 25,327

Signature: 



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

CARLE et al

Atty. Ref.: 4662-35; Confirmation No. 3911

Appl. No. 10/543,058

TC/A.U. 1612

Filed: July 21, 2005

Examiner: Webb

For: NOVEL COMPOSITIONS COMPRISING CAROTENOIDS

\* \* \* \* \*

March 10, 2009

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO FINAL REJECTION**

This is responsive to the Official Action dated December 10, 2008, a Final Rejection. Claims 1-20 are pending in the application; claims 1-19 are under active consideration while newly added claim 20 has been withdrawn from consideration. Counsel understands the examiner's comments on page 2 of the Official Action to indicate that claim 20 is directed to separately patentable and independent subject matter and for this reason has been removed ("restricted") from consideration. However, claim 20 may be rejoined upon allowance of one or more of claims 1-19.

The balance of the Official Action relates to prior art with two separate rejections being offered (and maintained). For the purposes of this response applicants will address the rejection stated on page 3 and continuing onto page 4 as the rejection stated in item 2 relates to dependent claims and applicants submit that these dependents are patentable as they are not made obvious because the limitations of the independent claim are incorporated into these dependent claims.

MPEP §2143.03.